

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW SWIENTISKY,

Plaintiff,

v.

AMERICAN STATES INSURANCE
COMPANY d/b/a SAFECO
INSURANCE, A LIBERTY
MUTUAL COMPANY,

Defendant.

NO. 3:18-CV-1159

(JUDGE CAPUTO)

ORDER

NOW, this 8th day of August, 2018, **IT IS HEREBY ORDERED** that:

(A) The Motion of Defendant to Dismiss and/or Strike Portions of Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(6) and Rule 12(f), or in the Alternative, for a More Definite Statement Pursuant to F.R.C.P. 12(e) (Doc. 3) is **GRANTED in part and DENIED in part** as follows:

- (1) The allegations in Paragraphs 19, 29, and 37(i) stating that Defendant owed a fiduciary duty to Plaintiff are **STRICKEN** from the Complaint as unopposed.
- (2) The requests for attorney's fees in the *ad damnum* clauses are **STRICKEN** from the Complaint as unopposed.
- (3) The claim for "statutory violations" in Count II of the Complaint is **DISMISSED**.
- (4) The Motion is **DENIED** in all other respects.

(B) Defendant **SHALL** file its Answer to the Complaint within **twenty-one (21) days** from the date of entry of this Order.

A. Richard Caputo
A. Richard Caputo
United States District Judge